

**COMBINED DECLARATION AND POWER OF ATTORNEY**

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL,  
DIVISIONAL, CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type: *(check one applicable item below)*

- ☒ original
- ☐ design
- ☐ supplemental

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application do not check next item; check appropriate one of last three items.

- ☐ national stage of PCT

NOTE: If one of the following 3 items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.

- ☐ divisional
- ☐ continuation
- ☐ continuation-in-part (CIP)

**INVENTORSHIP IDENTIFICATION**

WARNING: If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor *(if only one name is listed below)* or an original, first and joint inventor *(if plural names are listed below)* of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

OSTEOGENIC IMPLANTS DERIVED FROM BONE

## SPECIFICATION IDENTIFICATION

the specification of which: *(complete (a), (b) or (c))*

(a) ☐ is attached hereto.

(b) ☒ was filed on July 3, 2000 as ☒ Serial No. 09/ 610, 026 or ☐ Express Mail No., as Serial No. not yet known \_\_\_\_\_ and was amended on \_\_\_\_\_ *(if applicable)*.

NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 C.F.R. 1.67.

(c) ☐ was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_ *(if any)*.

## ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56.

- ☐ and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and
- ☐ in compliance with this duty there is attached an information disclosure statement in accordance with 37 C.F.R. 1.98.

## PRIORITY CLAIM (35 U.S.C. §119)(a)-(d)

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

*(complete (d) or (e))*

- (d) ☒ no such applications have been filed.
- (e) ☐ such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

**PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION  
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §119(a)-(d)**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)  
(35 U.S.C. §119(e))**

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

**PROVISIONAL APPLICATION NUMBER**

**FILING DATE**

\_\_\_\_/\_\_\_\_/\_\_\_\_

\_\_\_\_/\_\_\_\_/\_\_\_\_

\_\_\_\_/\_\_\_\_/\_\_\_\_

\_\_\_\_/\_\_\_\_/\_\_\_\_

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

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**NOTE:** If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete **ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION** for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. §120.

09973597-100904

## POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (*List name and registration number*)

PETER G. DILWORTH, Reg. No. 26,450; ROCCO S. BARRESE, Reg. No. 25,253; DAVID M. CARTER, Reg. No. 30,949; PAUL J. FARRELL, Reg. No. 33,494; PETER DELUCA, Reg. No. 32,978; JEFFREY S. STEEN, Reg. No. 32,063; JOSEPH W. SCHMIDT, Reg. No. 36,920; RAYMOND E. FARRELL, Reg. No. 34,816; ADRIAN T. CALDERONE, Reg. No. 31,746; GEORGE M. KAPLAN, Reg. No. 28,375; RUSSELL R. KASSNER, Reg. No. 36,183; CHRISTOPHER G. TRAINOR, Reg. No. 39,517; GEORGE LIKOUREZOS, Reg. No. 40,067; JAMES M. LOEFFLER, Reg. No. 37,873; EDWARD C. MEAGHER, Reg. No. 41,189; SUSAN L. HESS, Reg. No. 37,350; MICHAEL P. DILWORTH, Reg. No. 37,311; PETER B. SORELL, Reg. No. 44,349; GLENN D. SMITH, Reg. No. 42,156; MICHAEL E. CARMEN, Reg. No. 43,533; HAROLD G. FURLOW, Reg. No. 43,621; KEVIN C. ECKER, Reg. No. 43,600; THEODOSIOS THOMAS, Reg. No. 45,159; DANIEL E. TIERNEY, Reg. No. 33,461; and, MICHAEL J. MUSELLA, Reg. No. 39,310, each of them of DILWORTH & BARRESE, LLP, 333 Earle Ovington Boulevard, Uniondale, New York 11553.

SEND CORRESPONDENCE TO:

DIRECT TELEPHONE CALLS TO:  
(*Name and telephone number*)

DILWORTH & BARRESE, LLP  
333 Earle Ovington Boulevard  
Uniondale, New York 11553

(516) 228-8484

## DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of sole or first joint inventor Todd M. Boyce

Inventor's signature 

Date 7/11/06

Country of Citizenship U.S.A.

Residence Aberdeen, New Jersey

Post Office Address 515 Wellington Place, Aberdeen, NJ 07747

Full name of second joint inventor, if any David Kaes  
inventor's signature [Signature]  
Date 7/11/00 Country of Citizenship U.S.A.  
Residence Toms River, New Jersey  
Post Office Address 2198 Old Church Road, Toms River, New Jersey 08753

Full name of third joint inventor, if any Nelson L. Scarborough  
Inventor's signature [Signature]  
Date 7/11/00 Country of Citizenship U.S.A.  
Residence Ocean, New Jersey  
Post Office Address 47 Lambert Johnson Drive, Ocean, New Jersey 07712

**CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING  
ADDED PAGE(S) WHICH FORM A PART OF THIS DECLARATION**

- ☐ Signature for subsequent joint inventors.  
Number of pages added \_\_\_\_.
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor.  
Number of pages added \_\_\_\_.
- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 C.F.R. §1.47.  
Number of pages added \_\_\_\_.

\*\*\*

- ☐ Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (CIP) application.  
Number of pages added 1.

\*\*\*

- ☐ Authorization of attorney(s) to accept and follow instructions from representative.

\*\*\*

09973597-10000  
T0600T-76SE2660



If no further pages form a part of this Declaration then end this Declaration with this page and check the following item.

■ This declaration ends with this page.

09073597-100904  
FO600T-265E2660

Attorney Docket No. 285-118

**PATENT**

For: ☒ U.S. and/or ☒ Foreign Rights  
For: ☒ U.S. Application or ☐ U.S. Patent  
By: ☒ Inventor(s) or ☐ Present Owner

## ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

ASSIGNOR: Todd M. Boyce  
David Kaes  
(Inventor(s) or Nelson L. Scarborough

person(s) or entity(es)  
who own the invention)

(If assignment is by person or entity to whom invention was previously assigned and this was recorded in PTO add the following)

Recorded on \_\_\_\_\_

Reel \_\_\_\_\_

Frame \_\_\_\_\_

hereby sells, assigns and transfers to

ASSIGNEE:

OSTEOTECH, INC.

(Type or print name of ASSIGNEE)

51 James Way

Address

Eatontown, New Jersey 07724

U.S.A.

Nationality

and the successors, assigns and legal representatives of the ASSIGNEE

(complete one of the following)

☒ the entire right, title and interest

☐ an undivided \_\_\_\_\_ percent (\_\_\_\_\_% ) interest for the United States and its territorial possessions

(check the following box if foreign rights are also to be assigned)

☒ and in all foreign countries, including all rights to claim priority, in and to any and all improvements which are disclosed in the invention entitled:

OSTEOGENIC IMPLANTS DERIVED FROM BONE

(check and complete (a), (b), (c), (d), (e) or (f))

and which is found in

- (a) ☒ U.S. patent application executed on even date herewith.  
(b) ☐ U.S. patent application executed on \_\_\_\_\_  
(c) ☐ U.S. Application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_  
(d) ☐ U.S. Patent No. \_\_\_\_\_ issued \_\_\_\_\_  
(e) ☐ U.S. Provisional Patent Appln. Ser. No. \_\_\_\_\_ filed on \_\_\_\_\_  
(f) ☐ PCT Application No. \_\_\_\_\_ filed on \_\_\_\_\_

☐ A change of address to which correspondence is to be sent regarding patent maintenance fees is being sent separately.

(also check (g) if foreign application(s) is also being assigned)

- (g) ☒ and any legal equivalent thereof in a foreign country, including the right to claim priority

and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, continuation in part, division, renewal, or substitute thereof, and as to letters patent any reissue or re-examination thereof

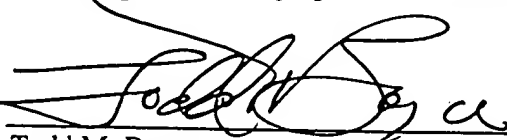
ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

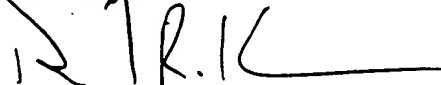


IN WITNESS WHEREOF, I/We have hereunto set hand and seal this \_\_\_\_\_ (Date of signing).

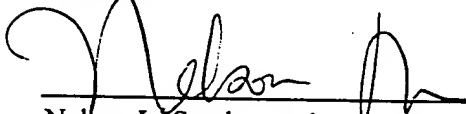
WARNING: Date of signing must be the same as the date of execution of the application if item (a) was checked above.

  
\_\_\_\_\_  
Todd M. Boyce

6/20/00  
Dated

  
\_\_\_\_\_  
David Kaes

6/20/00  
Dated

  
\_\_\_\_\_  
Nelson L. Scarborough

6/20/00  
Dated

\_\_\_\_\_

\_\_\_\_\_  
Dated

\_\_\_\_\_

\_\_\_\_\_  
Dated

\_\_\_\_\_

\_\_\_\_\_  
Dated

If ASSIGNOR is a legal entity complete the following information

\_\_\_\_\_  
Type or print the name of the above person  
authorized to sign on behalf of ASSIGNOR

\_\_\_\_\_  
Title

NOTE: No witnessing, notarization or legalization is necessary. If the assignment is notarized or legalized then it will only be prima facie evidence of execution 35 USC 261. Use next page if notarization is desired.

☒ Notarization or Legalization Page Added.

09973697-100904

STATE OF *New Jersey*  
SS:  
COUNTY OF *Monmouth*

On this *20* day of *June*, 20*00*, before me personally  
appeared *Todd M. Boyce* to me personally known and known to me to be the  
person who signed the foregoing assignment and acknowledged the signing of same as his free  
act and deed.

*Linda Manning Savoca*  
Notary Public

LINDA MANNING SAVOCA  
Notary Public of New Jersey  
No. 2102832, Ocean County  
Commission Expires July 27, 2002

STATE OF *New Jersey*  
SS:  
COUNTY OF *Monmouth*

On this *20* day of *June*, 20*00*, before me personally  
appeared *David Kaes* to me personally known and known to me to be the  
person who signed the foregoing assignment and acknowledged the signing of same as his free  
act and deed.

*Linda Manning Savoca*  
Notary Public

LINDA MANNING SAVOCA  
Notary Public of New Jersey  
No. 2102832, Ocean County  
Commission Expires July 27, 2002

STATE OF *New Jersey*  
SS:  
COUNTY OF *Monmouth*

On this *20* day of *June*, 20*00*, before me personally  
appeared *Nelson L. Scarborough* to me personally known and known to me to be the  
person who signed the foregoing assignment and acknowledged the signing of same as his free  
act and deed.

*Linda Manning Savoca*  
Notary Public

LINDA MANNING SAVOCA  
Notary Public of New Jersey  
No. 2102832, Ocean County  
Commission Expires July 27, 2002

106007-2652660

Form PTO-1595  
1-31-92U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office**RECORDATION FORM COVER SHEET  
PATENTS ONLY**

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

**1. Name of conveying party(ies):**Todd M. Boyce  
David Kaes  
Nelson L. Scarborough

Additional name(s) of conveying party(ies) attached?

☐ Yes ☒ No**2. Name and address of receiving party(ies):**Name: OSTEOTECH, INC.  
Address: 51 James Way  
Eatontown, New Jersey 07724Additional name(s) & address(es) attached: ☐ Yes ☒ No**3. Nature of conveyance:**

- ☒
- Assignment
- ☐
- Merger
- 
- ☐
- Security Agreement
- ☐
- Change of Name
- 
- ☐
- Other \_\_\_\_\_

Execution Date: June 20, 2000**4. Application number(s) or patent number(s):**If this document is being filed together with a new application, the execution date of the application is: June 20, 2000

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No**5. Name and address of party to whom correspondence concerning document should be mailed:**Name: Peter G. Dilworth, Esq.  
Street Address: DILWORTH & BARRESE  
333 Earle Ovington Blvd.  
City: Uniondale State: NY Zip: 11553**6. Total number of applications and patents involved:** 1**7. Total fee (37 C.F.R. §3.41):** \$40.00

- ☒
- Enclosed
- 
- ☐
- Authorized to be charged to deposit account

**8. Deposit account number:**04-1121

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

